



Atty Docket No. 011823-004012US

PTO FAX NO.: 703/746-4000

ATTENTION: ISSUE FEE BRANCH

## OFFICIAL COMMUNICATION

### FOR THE ATTENTION OF

### ISSUE FEE BRANCH

#### CERTIFICATION OF FACSIMILE TRANSMISSION


I hereby certify that the following documents in re Application of Man Sung Co, et al., Application No. 10/084,825, filed February 25, 2002 for INCREASING ANTIBODY AFFINITY BY ALTERING GLYCOSYLATION OF IMMUNOGLOBULIN VARIABLE REGION are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

#### Documents Attached

1. Issue Fee transmittal Part B (1 pg)
2. Terminal Disclaimer (1 pg)
3. Fee transmittal sheet (1 pg)
4. Communication re Terminal Disclaimer (2 pgs)

Number of pages being transmitted, including this page: (6)

Dated: July 6, 2005

  
Susan J. Johnson

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
Fax: 650-326-2422

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PTO/SB/17 (12-04)

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 130

### Complete If Known

Application Number	10/084,825
Filing Date	February 25, 2002
First Named Inventor	Co, Man Sung
Examiner Name	Larry Helms
Art Unit	1642
Attorney Docket No.	011823-004012US

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** 20 or HP =        x        =        **Fee (\$)** **Fee Paid (\$)**  
 HP = highest number of total claims paid for, if greater than 20  
**Indep. Claims** 3 or HP =        x        =        **Fee (\$)** **Fee Paid (\$)**  
 HP = highest number of independent claims paid for, if greater than 3

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**        - 100 =        / 50 =        (round up to a whole number) x        =        **Fee (\$)** **Fee Paid (\$)**


#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer

**130**

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,505	Telephone 650-326-2400
Name (Print/Type)	Joe Liebeschuetz		Date 7/6/05

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PTO/SB/26 (08-04)


**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

 Docket Number (Optional)  
011823-004012

Invention Application of: Man Sung Co, et al.

Application No.: 10/084,825

Filed: 02/25/2002

For: INCREASING ANTIBODY AFFINITY BY ALERTING GLYCOSYLATION OF IMMUNOGLOBULIN VARIABLE REGION

The owners\*, Protein Design Labs, Inc. of Fremont, CA, and Memorial Sloan Kettering Cancer Center of New York, NY, collectively the owner of 100% of the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term prior patent No. US 6,350,861 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

 July 6, 2005  
Date

 Joe Liebeschuetz  
Typed or printed name

 650/326-2400  
Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-703/746-4000 on July 6, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Susan J. Johnson

Susan J. Johnson

PATENT  
Docket No.: 011823-004012US  
Client Ref. No.: 004012 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Man Sung Co, et al.

Patent No.:

Issued:

Application No.: 10/084,825

Filed: February 25, 2002

For: INCREASING ANTIBODY  
AFFINITY BY ALTERING  
GLYCOSYLATION OF  
IMMUNOGLOBULIN VARIABLE  
REGION

Examiner: Larry Helms

Art Unit: 1642

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants previously filed a terminal disclaimer over US 6,350,861 in the name of Protein Design Labs, Inc. only. This was in error because the present application and US 6,350,861 are jointly assigned to Protein Design Labs, Inc. and Memorial Sloan Kettering Cancer Center.

A supplemental terminal disclaimer is now provided in the names of both assignees.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650/326-2400.



Man Sung Co, et al.  
Application No.: 10/084,825  
Page 2

PATENT

Respectfully submitted,

Joe Liebeschuetz  
Reg. No. 37,505

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